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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5568 OF 2005

Sunil Murlidhar Bhase ... Petitioner

V/s.

Pune District Central Co-op. Bank ... Respondent

Mr.A.B. Kamble for Petitioner
Mr.V.B. Tapkir for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **OCTOBER 28, 2005**

P.C.:

. This Petition challenges the order of the Industrial Court dismissing the complaint. The Petitioner had filed a complaint under Items 5 and 9 of Schedule IV of the MRTU & PULP Act complaining that persons who did not possess the requisite qualifications for being appointed as clerks had been taken in service by the respondent-bank. The Petitioner was appointed on a compassionate ground as a peon after the death of his father who was in service of the bank. He claims that he should be promoted to the post of clerk since the bank had appointed others on compassionate ground to the post of clerks without having the qualifications of having passed the GDC & A examination and graduation degree. According to the Petitioner, he should be

permitted similarly although he does not possess graduation degree and nor has he completed the GDC.

2. The Bank has filed an affidavit of Arun Shivajirao Kale, who is the General Manager In-charge. In paragraph 9 of this affidavit dated 5.10.12005, the affiant has stated thus:

> 9. I say that if the Petitioner will complete graduation from recognized university, the Bank is ready to relax the condition in respect of completion of GDC & A examination. I say that as soon as the Petitioner pass the graduation examination from the recognized university and if he produced the certificate to that effect, the Bank will appoint the Petitioner on the post of clerk on the same day. I say that there is no grudge in the mind of Bank about the Petitioner, but on the contrary bank is trying to give proper and fair opportunity to the Bank employee and trying to increase the standard of the Bank.

3. In view of these averments, I do not see any reason to interfere with the orders of the Industrial Court. In the event the Petitioner secures a graduation degree, the bank will relax the rules pertaining to the GDC & A examination.

4. The submission of the learned Advocate for the Petitioner that he should be treated on par with others who have been appointed on compassionate grounds has

clerks cannot be accepted. The bank has appointed the Petitioner as a peon on a compassionate ground. Any further promotions can be considered only after the Petitioner attains the requisite qualifications. I am fortified in my view by the judgment in *State of Rajasthan v/s. Umrao Singh*, **(1994) 6 SCC 560** where the Supreme Court has held that once the right to be considered for appointment on compassionate ground is consummated, no further consideration on compassionate ground would ever arise.

5. In these circumstances, the Petition is rejected.